

# Prevention of Sexual Harassment Policy

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<b>P&amp;P Review Group Approval Date:</b>	March 2025	<b>Board Approval Date:</b>	N/A
<b>Owner:</b>	Head of People & Organisational Development	<b>Department:</b>	People & OD
<b>Issued To:</b>	<input type="checkbox"/> Board of Management <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> ET/LT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> C&S Managers <input type="checkbox"/> Department/Other: _____	<b>Method of Delivery:</b>	<input type="checkbox"/> Annual Declaration <input checked="" type="checkbox"/> Learn Pro Individual Sign Off <input type="checkbox"/> Line Manager to Share
<b>Stakeholder Consultation</b>	<input type="checkbox"/> All Staff <input type="checkbox"/> Customer Engagement <input type="checkbox"/> Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Head Office Managers <input type="checkbox"/> C&S Managers <input type="checkbox"/> Department/Other: _____	This policy will be reviewed every 5 years from the date of implementation or earlier if deemed appropriate for any legislation or regulatory changes. If this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.	
<b>Equality Impact Assessment</b>	No	N/A	
<b>Data Protection Impact Assessment</b>	No	N/A	

## Version Control

Date	Owner	Version	Reason for Change
Mar 2025	Head of People & Organisational Development	1.0	New Policy.

## Summary of Changes

Section	Change
All	New Policy.

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## 1.0 Policy Statement

We are committed to providing a working environment free from sexual harassment and ensuring all staff are treated, and treat others, with dignity and respect. Sexual harassment or victimisation of any member of staff, or anyone they encounter during their work, is unlawful and will not be tolerated.

We will take active steps to help prevent the sexual harassment and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment must report it in accordance with this Policy. This will enable us to take appropriate action and provide support. Breaching this policy may result in disciplinary action, depending on the severity of the violation.

### 1.1 Legal & Regulatory Framework

Our policy aligns with relevant UK employment laws and regulatory guidelines to prevent and address sexual harassment. This policy complies with:

- Equality Act 2010 – Protects individuals from discrimination, harassment, and victimisation, ensuring that all employees, supported people, and tenants are treated with dignity and respect.
- Sexual Offences Act 2003 – Defines and criminalises sexual harassment, assault, and related offences.
- Protection from Harassment Act 1997 – Establishes legal protections against harassment, including sexual harassment, in workplaces and housing environments.
- Health and Safety at Work Act 1974 – Requires employers to provide a safe working environment, free from harassment and abuse.
- Employment Rights Act 1996 – Ensures that employees are protected from unfair treatment.
- Public Order Act 1986 – Criminalises offensive or abusive conduct, including sexually harassing behaviour.
- Worker Protection (Sexual Harassment) Act 2023 – Enhances protections for employees by prioritising prevention, strengthening reporting mechanisms, and ensuring that employers take proactive steps to prevent sexual harassment and address complaints effectively. The Act also provides safeguards against retaliation for those who report harassment.
- ACAS Code of Practice on Disciplinary and Grievance Procedures – Provides best practices for addressing and resolving workplace harassment complaints fairly and transparently.
- Scottish Social Services Council (SSSC) Codes of Practice – Sets out the professional standards for workers and employers, including responsibilities to prevent harassment and promote a culture of dignity and respect.

- Scottish Housing Regulator (SHR) Standards of Governance and Financial Management – Requires employers to have effective policies to protect staff from harassment, ensuring compliance with equality and safeguarding obligations.

Ark will ensure that processes are conducted in compliance with these legal frameworks, incorporating best practices to support employees and uphold organisational standards.

## 2.0 Scope

This policy applies to all Ark employees, including but not limited to:

- Employees
- Agency Workers
- Students
- Volunteers
- Board of Management Members

This policy applies to all individuals using or visiting the workplace, including but not limited to:

- Contractors

This policy also extends to interactions within Ark's premises, off-site work locations, online communications, and any work-related events such as meetings, training, and social gatherings.

## 3.0 Roles & Responsibilities

There is a range of standard expectations which underpin all policies. Read more about standard [role and responsibilities](#). In addition, the following specific responsibilities apply to this Policy.

Every individual is responsible for maintaining a workplace free from sexual harassment by treating others with respect, reporting concerns, and upholding the standards outlined in this Policy. Staff are also expected to refrain from engaging in any behaviour, whether intentional or unintentional, that could be deemed as sexual harassment, and to ensure their actions do not create an environment where others feel uncomfortable, disrespected, or unsafe.

Line Managers play a critical role in fostering a respectful and inclusive workplace culture. They are responsible for modelling appropriate behaviour, addressing concerns of sexual harassment promptly, and supporting employees who report such incidents. Line Managers

must take immediate and appropriate action to address any allegations, while ensuring confidentiality and fairness. They are also responsible for creating an environment where employees feel safe and empowered to report incidents without fear of retaliation.

The HR team is responsible for providing support to both the individuals raising concerns and those involved in investigations. They must also ensure that appropriate training and guidance is provided to employees and managers, facilitate the handling of complaints in a confidential and unbiased manner, and ensure that corrective actions are taken when necessary. HR is also responsible for tracking and reporting on incidents of sexual harassment, ensuring continuous improvement in policies and practices related to harassment prevention.

#### 4.0 Related Policies, Procedures & Documentation

- HR04 - Staff Code of Conduct Policy
- HR18 - Disciplinary Policy & Procedure
- HR19 - Grievance Policy & Procedure
- [Ark's Vision, Mission & Values](#)

#### 5.0 Sexual Harassment

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual harassment may include, for example:

- Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- Offensive emails, text messages or social media content.

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

## 5.1 Third-Party Sexual Harassment

This occurs where a person is sexually harassed by someone who does not work for Ark, but with whom they have come into contact during the course of their employment.

Third-party sexual harassment will not be tolerated. All staff must report any third-party harassment they are a victim of, or witness, in accordance with this Policy.

Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

## 5.2 Raising a Complaint

Any individual who experiences or witnesses sexual harassment must report the incident promptly, in accordance with our Grievance Procedure (HR19).

You should speak to your Line Manager or the HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your Line Manager because the complaint concerns them, you should speak to the HR Department.

If the manager, with advice from the HR Department considers that there is a case to answer and the alleged individual is an employee, the matter will be dealt with under our Disciplinary Procedure (HR18).

Our investigation into your complaint may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. If the harasser is a third-party, we will consider what action would be appropriate to deal with the problem.

As a general principle, the decision whether to progress a complaint is up to the employee making the complaint. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

## 5.3 Support

The HR Department and your Line Manager (where appropriate) are here to support you throughout the process of addressing any concerns of sexual harassment. If you need additional support, we encourage you to access Ark's Employee Assistance provider, which can offer confidential support, advice, and resources. You can contact them at 0808 168 2143 or visit [www.carefirst-lifestyle.co.uk](http://www.carefirst-lifestyle.co.uk). The username and password can be obtained from your line manager or HR team.

Individuals affected by sexual harassment can also seek confidential support, advice, and legal guidance from the following external agencies:

- The Equality Advisory and Support Service (EASS) – Provides free advice on discrimination and harassment under the Equality Act 2010 and can guide individuals on legal rights and next steps.

- Protect – A charity offering confidential advice to employees who want to report harassment, misconduct, or wrongdoing in the workplace.
- Victim Support – Offers emotional and practical support to victims of crime, including sexual harassment and assault, whether or not it has been reported to the police.
- Scottish Women’s Rights Centre (Scotland) – Offers legal advice and advocacy for women experiencing sexual harassment, gender-based violence, and discrimination in Scotland.

These organisations can provide specialist advice, legal guidance, emotional support, and advocacy services to those affected by sexual harassment.

## 6.0 Training & Monitoring Requirements

### 6.1 Training

Staff will have training appropriate to their needs and to the needs of the organisation as identified on their individual learning plans. Ark will ensure that relevant employees have an awareness of this policy and receive adequate training to enable them to effectively fulfil their roles and ensure a safe, respectful, and harassment-free workplace for all employees and stakeholders.

### 6.2 Monitoring

To ensure the effectiveness and continuous improvement of the Prevention of Sexual Harassment Policy, regular monitoring and review processes will be carried out. This includes:

- Cyclical Review: The policy will be formally reviewed every 5 years to ensure it remains in compliance with relevant laws and reflects best practices in preventing and addressing sexual harassment.
- Ongoing Monitoring: The implementation of the policy will be continuously monitored by the HR team to ensure that it is being followed effectively.
- Risk Assessment: The HR risk assessment for sexual harassment will be reviewed and updated as and when required, particularly in response to feedback or incidents.
- Training Evaluation: The effectiveness of training and awareness programmes will be evaluated periodically to ensure employees understand their rights, responsibilities, and the reporting process.

The results of these monitoring activities will be used to improve the policy and the organisation's overall approach to preventing and addressing sexual harassment.